



FmHA AN No. 2355 (1900)

September 2, 1991

SUBJECT: Evaluation of Appeals and Implementation of
Reversed and Modified Appeal Decisions (IRMAD)

TO: State Directors, District Directors, and
County Supervisors

PURPOSE/INTENDED OUTCOME:

The purpose of this Administrative Notice (AN) is to inform
States of their responsibilities regarding:

1. Continuation of the informal evaluation process,
2. Implementation of reversed and modified appeal
decisions, and
3. Maintenance of the IRMAD tracking system.

The intended outcomes are to avoid unnecessary appeals, to
implement reversed or modified appeal decisions in a timely
manner, and to accurately monitor appeal processing
activities.

COMPARISON WITH PREVIOUS AN:

This replaces AN 2144 (1900), dated September 6, 1990. It
has been expanded to include the IRMAD Tracking System and
to emphasize State Directors' obligation to ensure that
appeal decisions are implemented in a timely manner.

IMPLEMENTATION RESPONSIBILITIES:

1. State Directors are to continue to evaluate appealed
adverse decisions based on the guidelines in this AN.
Because State Directors do not have the authority to reverse
decisions of County Committees, such decisions are exempt
from the informal evaluation process. However, appeals of
County Committee decisions must be tracked in the IRMAD
system and implemented within the timetables outlined in
this AN.

When an adverse decision is appealed, the Decision Maker
will call the appropriate Evaluation Official immediately to
discuss the matter. (The State Director is the Evaluation

EXPIRATION DATE:
September 30, 1992

FILING INSTRUCTIONS:
Preceding FmHA Instruction 1900-B



Official for County Supervisors and District Directors; the appropriate Assistant Administrator is Evaluation Official for State Directors.)

The case file must remain in the Decision Maker's office for ten (10) working days after notification of an appeal, for inspection by the appellant. If the Evaluation Official deems it necessary, he may review the case file after this 10-day period, but must return it to the originating office within fifteen (15) working days of the appeal notice. The evaluation must be completed within twenty (20) working days of the appeal notice, unless the hearing is held in the interim.

2. The Evaluation Official will either:

a. Concur in the adverse decision, in which case the appeal process will proceed without interruption; or

b. Suspend the adverse decision and direct the Decision Maker to continue processing the application and/or servicing action. If this is done, the Decision Maker will notify the National Appeals Staff (NAS) Area Supervisor and the applicant/borrower that the Agency will continue to process the application or servicing action. NAS will suspend the appeal subject to final disposition of the case.

3. If the appeal proceeds, and the hearing officer overturns an adverse decision and remands the case for further action, the State Director must either:

a. Ensure that implementation of the decision begins within 15 working days of receipt of the hearing officer's decision letter; or

b. Immediately send a request for review to the appropriate Assistant Administrator, as provided in FMHA Instruction 1900.61. If the Assistant Administrator concurs, the request must be forwarded to NAS within nine (9) working days after the hearing officer's decision. No requests submitted after the ninth day will be considered. NAS has three (3) working days to accept or reject such a request.

If the Assistant Administrator declines to forward the case to NAS for review, the file must be returned to the County Office within three (3) working days, and implementation must begin within five (5) working days of receipt of the case file by the Decision Maker.

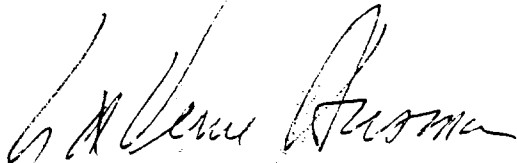
4. Once a case is submitted to NAS for such a review, implementation of the hearing officer's decision will remain suspended until a final determination is made. If NAS ultimately upholds that decision, implementation must begin within five (5) working days of receipt of the case file by the Decision Maker.

If it is determined by NAS that the request for review is unsubstantiated, the Director, NAS, will notify the State Director, and implementation must begin within five (5) working days of receipt of the case file by the Decision Maker.

As implementation of hearing officers' decisions often involves many steps, field staff must ensure that every step requiring action is accomplished without delay. Timely implementation is mandatory, and any deliberate delay or refusal to implement a reversed decision will be considered cause for disciplinary action.

5. IRMAD was established to monitor the status of field implementation of reversed and modified appeal decisions. For the system to be effective, it is imperative that the status of these decisions be current at all times, and updates must be completed before the 20th of each month. The National Office will monitor State Directors' maintenance of the IRMAD system and the timely implementation of appeal decisions from IRMAD reports.

Any questions regarding this process should be directed to Diana Huffman, Program Support Staff, at FTS 382-9619.



LA VERNE AUSMAN
Administrator

Sent by Time Delay Option to States at 5:00 on 9/4/91;
to Districts at 9:00 on 9/5/91; and Counties at 11:00
on 9/5/91.